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McMillan Data Communications, Inc.

13 MCMILLAN DATA COMMUNICATIONS,) Case No.: 3:14-cv-03127-JD
14 INC., a California corporation,)
15 Plaintiff,) **[PROPOSED] ORDER FOR ENTRY OF**
16 vs.) **DEFAULT JUDGMENT AGAINST**
17 AMERICOM AUTOMATION SERVICES,) **AMERICOM AUTOMATION SERVICES,**
18 INC., a purported New Mexico corporation;) **INC.; JUSTIN L. PELAYO; AND TRACI**
19 JUSTIN L. PELAYO, an individual; TRACI) **PELAYO**
20 PELAYO, an individual; and DOES 1 through)
inclusive,)
Defendants.)

)

23 The Court, having considered McMillan Data Communications, Inc.'s ("McMillan")
24 application for entry of default judgment, memorandum of points and authorities in support
25 thereof, the declarations of Patrick McMillan and Patricia Walsh, the exhibits submitted in
26 support thereof, any such matters as to which the Court may take judicial notice, the
27 supplemental briefing provided by McMillan, and such further evidence and argument that was
28 permitted at the hearing, if necessary, and good cause appearing,

1 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

2 1. McMillan's application for entry of default judgment is GRANTED with respect
3 to McMillan's claims for breach of contract, common counts, breach of guarantee, and breach of
4 promissory note.

5 2. Judgment is awarded in McMillan's favor in the maximum amount of
6 \$389,930.39 from Americom Automation Services, Inc. (consisting of \$308,459.40 in principal,
7 plus \$62,490.49 in prejudgment interest and \$18,980.50 for attorney's fees and costs) with Traci
8 Pelayo jointly and severally liable to the extent of \$378,884.48 (consisting of \$308,459.40 in
9 principal, plus \$70,425.08 in prejudgment interest), and Justin L. Pelayo jointly and severally
10 liable to the extent of \$340,851.82 (consisting of \$301,873.25 in principal, plus \$19,998.07 in
11 prejudgment interest, and \$18,980.50 for attorney's fees and costs).

12 3. Interest shall continue to accrue on the unpaid sum from the date that judgment is
13 entered, at the legal rate of 10% per annum; and

14 4. McMillan shall be entitled to contractual and statutory attorney's fees and costs
15 incurred in enforcing the judgment.

16 **IT IS SO ORDERED.**

17 Dated: August 19, 2015

